

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

RAFAEL DE LA CRUZ,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/13/2024

22 Cr. 304-01 (VM)

ORDER

VICTOR MARRERO, District Judge:

On August 18, 2023, Rafael De La Cruz was sentenced principally to a term of imprisonment of 57 months.

On December 23, 2023, De La Cruz filed a motion requesting that this court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guideline amendment, which went into effect on November 1, 2023, and applies retroactively. The United States Probation Department has issued a report indicating that De La Cruz is not eligible for a sentence reduction. (Dkt. No. 45.) The Court has considered the record in this case and De La Cruz's submissions on this motion. (Dkt. No. 44.)

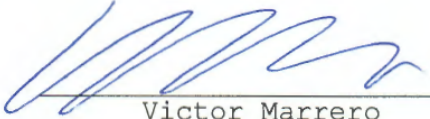
It is hereby ORDERED that De La Cruz's is ineligible for this reduction because he did not have zero criminal history points at the time of his conviction. Accordingly, his motion for a sentence reduction is hereby denied.

The Clerk of the Court is respectfully directed to terminate the motion at Dkt. No. 44. The Clerk of the Court is also respectfully directed to mail a copy of this Order to Rafael De La Cruz, Register

Number 98317-509, FCC Allenwood Low, P.O. Box 1000, White Deer, PA 17887,
and note service on the docket.

SO ORDERED.

Dated: 13 February 2024
New York, New York


Victor Marrero
U.S.D.J.